

JUN 1 - 2007

REMARKS

This reply is in response to the Office Action dated May 17, 2007. Claims 1, 3-5, 8-15, 18-28, and 30-55 are pending in the application.

Claims 1, 4, 8-14, 18-28, and 30 were previously rejected under 35 USC § 102(b) and or 35 USC § 103. Applicant presumes that the rejections have been withdrawn as they have not been repeated in the instant Office Action. Claims 2, 3, 5, 6, 15, 16 and 31 were objected to for being dependent on a rejected base claim but were indicated to be allowable if rewritten in independent form. Applicant cancelled claims 2, 6, and 16 without prejudice and added new claims 32-55 to present the claims in independent form.

No claim amendments, cancellations or new claims are presented; therefore, a listing of the claims is not required under 37 CFR § 1.121. The listing of claims included with Applicant's previous Response under 37 CFR 1.111 (dated March 2, 2007) to the Office Action dated November 2, 2006, is incorporated herein by reference.

Reconsideration of the claims is respectfully requested.

Restriction Requirement under 35 USC § 121

The Examiner has restricted the claims to two groups. They are:

- I. Claims 1, 3-5, 8-15, 18-20, and 30-55 drawn to a process for preparing a propylene copolymer, and
- II. Claims 21-28, drawn to a propylene polymer.

Applicant respectfully disagrees, however elects the invention of Group I claims 1, 3-5, 8-15, 18-20, and 30-55 drawn to a process for preparing a propylene copolymer.

The Examiner states that inventions I and II are related as process of making and product made because the polypropylene product can be made by another materially different process such as with a non-Cp, metallocene like catalyst and the process can be used to make a materially different product such as propylene block copolymer. Applicant respectfully disagrees and requests the restriction requirement be withdrawn.

Attorney Docket No. 2003B044/2 US

The polypropylene claims in claims 21-28 is a specific polypropylene with special characteristics, i.e. the propylene copolymer comprises:

- a) at least 50 wt% units derived from propylene;
- b) from 5 wt% to about 28 wt% of the comonomer;
- c) a ratio of g' as determined by the formula:

$$\frac{g_{88-98}}{g_{20-60}} \geq 1.10$$

where the subscripts, 88-98 and 20-60, refer to the wt% of copolymer eluted in GPC-DRI, and in the numerator and the denominator, g' is the weight average g' over the elution range designated 88-98 and 20-60, respectively, and

- d) a weight average molecular weight of 20,000 to 1,000,000 g/mol.

These four characteristics are found in combination only in Applicants claimed invention and thus the Examiner's suggestion that this specific polypropylene can be made by "another and materially different process such as with a non-Cp, metallocene like catalyst" is scientifically incorrect. Not just any catalyst can make Applicant's special propylene polymers. Likewise use of applicants process to make "block" copolymers is also not materially different. The polypropylene block copolymers would presumably still have the four unique properties above. Thus applicant submits that the claims should not be restricted.

Furthermore, as noted in the U.S. Patent and Trademark Office Manual of Patent Examining Procedure §803, "[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions" (emphasis added). Applicant respectfully submits that the search and examination of all of the claims in the application can be made substantially without burden, and certainly without serious burden, since the Examiner has already searched and examined claims from both asserted Inventions I and II.

For all the above reasons, Applicant respectfully requests withdrawal of the restriction requirement.

Furthermore, in the event the Examiner does not withdraw the restriction requirement, Applicant requests rejoinder of the claims upon any future indication of allowability.

USSN: 10/803,365

3 of 4

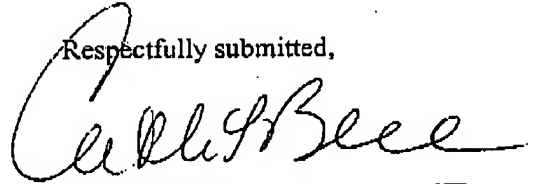
June 1, 2007

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Attorney Docket No. 2003B044/2 US

The Commissioner is hereby authorized to charge counsel's Deposit Account No. 05-1712, for any fees, including extension of time fees and excess claim fees, required to make this response timely and acceptable to the Office.

Respectfully submitted,



Catherine L. Bell
Attorney for Applicants
Registration No. 35,444

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Date

ExxonMobil Chemical Co.
Law Technology
P.O. Box 2149
Baytown, Texas 77522-2149
Phone: 281-834-5982
Fax: 281-834-2495